

Advice Summaries

October 2001

Campaign

C. April Boling

State Assembly

Dated October 3, 2001

Our File Number: A-01-136

If a candidate filed a statement of intention and did not at that time accept the voluntary expenditure limits for a primary election, he may not later amend his statement to accept those limits for the primary. Nevertheless, if he does not exceed the applicable limits, there is a procedure for him to accept voluntary expenditure limits for the general election.

Gregory A. Reese

Black Men & Women Committee

Dated October 29, 2001

Our File Number: A-01-182

Organizations may have separate county and state sponsored recipient committees. However, if the county committee makes contributions to the state committee, the county committee may qualify as a state committee.

Kathryn E. Donovan

ChevronTexaco Corporation

Dated October 17, 2001

Our File Number: A-01-194

Prior contributions and gifts made to candidates by a corporation will not be aggregated with contributions and gifts of the second corporation, made after the first corporation merges into, and becomes a subsidiary of, the second corporation. See § 85311 and regulation 18945.1.

Janet Gutierrez

California Trucking Association

Dated October 29, 2001

Our File Number: I-01-221

A general purpose committee may retain contributions in excess of the \$5,000 limit, if they are earmarked by the contributor for purposes other than making contributions directly to candidates for elective state office. Depending on when the excess contributions are made, the committee would be required to report excess contributions on its next required campaign statement on Form 460, Schedule A. Any such excess contributions would have to be deposited in a separate account within 14 days of receipt with attendant separate documentation and records for the account.

Robert W. Ford

CDF Firefighters PAC

Dated October 29, 2001

Our File Number: A-01-226

A "small contributor committee" may not include any contribution(s) exceeding \$200 in a single year from any individual contributor(s), even if the contributions in excess of \$200 per person are conveyed by the committee to its sponsor for administrative costs. Also, a "small contributor committee" may not include any contribution(s) exceeding \$200 in a single year from any individual contributor(s), even if the contributions in excess of \$200 per person are placed in a separate bank account used to pay for administrative costs.

This letter supersedes in part, the *Ginsberg* Advice Ltr. A-01-170. An intermediary committee for contributions in excess of \$200 could not make any contributions to the small contributor committee without abrogating the small contributor committee's status as such.

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Mike P. Shulem
Data + Imagination, Inc.
Dated October 3, 2001
Our File Number: A-01-237

This is a letter of approval for modified Form 460 (Recipient Committee Campaign Statement) to be used by clients of Data + Imagination who are required to file campaign statements on October 10, 2001. The modified form provides all required disclosure as specified in the Form 460, which was approved by the Commission on June 8, 2001.

Valerie Burrowes, CMC/MMC
Sacramento City Clerk
Dated October 5, 2001
Our File Number: A-01-243

This is a letter of approval for modified Form 460 (Recipient Committee Campaign Statement) to be used by City of Sacramento candidates and committees required to file campaign statements on October 10, 2001, using the city's electronic filing program.

Conflicts of Interest

Jone Lemos Jackson
City of Fort Bragg
Dated October 25, 2001
Our File Number: A-01-056

Where, in the course of deliberations regarding the city's general plan update, the city council has made a final decision regarding the zoning of certain property owned by a company in which a public official has an economic interest, without the official's participation, the public official may participate in other portions of the general plan update, as appropriate, provided that the zoning decision regarding the property belonging to the company in which the public official has the economic interest is segregated from the rest of the general plan update, and the property segmentation procedures, as outlined in the letter, are followed.

Barbara Bailey
**Madera County Children &
Families Commission**
Dated October 3, 2001
Our File Number: A-01-165

A conflict of interest will arise only when a public official is making, participating in making, or influencing a governmental decision.

Leann Kay Martin
City of Blythe
Dated October 29, 2001
Our File Number: I-01-176

Informal assistance regarding the holding of multiple public positions and conflicts of interest.

Janet Kurvers
City of Cotati
Dated October 17, 2001
Our File Number: A-01-178

This letter discusses the limitations on a city council member who wishes to address the city council in her capacity as a private individual during a hearing regarding her husband's employment.

Thomas A. Payne
City of Arvin
Dated October 9, 2001
Our File Number: I-01-180

This letter provides informal assistance regarding the holding of multiple public positions and conflicts of interest.

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Ronald R. Ball
City of Carlsbad
Dated October 17, 2001
Our File Number: A-01-188

This letter discusses how to measure the distance between a public official's real property interest and the subject of the land-use decisions. Specifically, the issue arising here is whether the governmental decisions will impact only a certain remote portion of the subject property, such that the public official may presumably participate in the decision.

Janet M. Sakata
Office of the Governor
Dated October 11, 2001
Our File Number: I-01-190

This informal advice letter addresses the general question of stock ownership and whether that fact alone constitutes a conflict of interest.

Terri Smooke
Office of the Governor
Dated October 18, 2001
Our File Number: A-01-192

This letter advises an assistant in the executive branch regarding the potential for conflicts of interest that may arise from ownership of stock in an energy company.

M. Reginald B. Salvador
Office of the Governor
Dated October 1, 2001
Our File Number: I-01-193

This informal advice letter discusses general conflicts rules in the context of a deputy cabinet secretary's ownership of energy stock.

Cathy Watson
Office of the Secretary for
Education
Dated October 11, 2001
Our File Number: I-01-197

This informal advice letter addresses the general question of stock ownership and whether that fact alone constitutes a conflict of interest.

Josephine Poole
Santa Clara Public Guardian's
Office
Dated October 9, 2001
Our File Number: I-01-198

This letter discusses whether receipt of a finder's fee in the context of a real estate transaction results in a conflict of interest for an employee of a public guardian's office. The employer places clients in board and care facilities and found out from a facility owner about someone needing real estate services. The employee then referred that person to another real estate agent, who offered the employee a finder's fee.

Lisa Fisher
Office of the Secretary for
Education
Dated October 11, 2001
Our File Number: I-01-199

This informal advice letter addresses the general question of stock ownership and whether that fact alone constitutes a conflict of interest.

Tom Wood
City of Costa Mesa
Dated October 29, 2001
Our File Number: A-01-216

Salary from a city government does not create an economic interest in the city.

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Daniel J. McHugh, City Attorney
City of Redlands
Dated October 3, 2001
Our File Number: A-01-219

Gifts

Jennifer Baker
State Legislature
Dated October 17, 2001
Our File Number: A-01-187

Mass Mail

Michael Jenkins, City Attorney
City of Diamond Bar
Dated October 9, 2001
Our File Number: A-01-213

A city council member may participate in decisions concerning litigation involving a nonprofit organization of which he is a member because he does not have an economic interest in the lawsuit.

Pro-bono legal services are a gift unless made without regard to official status.

This letter discusses whether a newsletter that is jointly published by the city and the chamber of commerce violates the Act's mass mailing regulations and statutes.